



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,494	04/05/2001	Roger S. Brown	5181-86600	6832

7590 10/30/2003

B. Noel Kivlin  
Conley, Rose, & Tayon, P.C.  
P.O. Box 398  
Austin, TX 78767-0398

EXAMINER

CASIANO, ANGEL L

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AL-R

# Office Action Summary

Application No.

09/828,494

Applicant(s)

BROWN ET AL.

Examiner

Angel L. Casiano

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The present Office action is in response to application filed 05 April 2001.
2. Claims 1-34 are pending.

***Priority***

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in the United Kingdom on 09 October 1998. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.
4. Applicants claims priority under 35 U.S.C. § 119 and 120. Reference to foreign applications and mention of the claimed priority must be included as part of page 1, line 1 of the Specification.

***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 03 October 2002 was filed after the mailing date of the application on 05 April 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Fig. 1, "22".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- Fig. 7, "245", "247".
- Fig. 16, "S31", "S32".

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

8. The application as originally filed contained 34 claims, 30 pages of Specification, and 20 Figures (on 14 sheets), according to Application transmittal. Two Specifications were submitted on 20 August 2001, which appear to be related to the foreign applications cited in the claim for Priority. In addition, the application contains six US patents as well as non-patent reference material not listed in form PTO-1449.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 10, 11 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 10 recites the limitation "...each location in the apparatus for receiving a said unit..." in reference to claim 1. However, claim 1 does not mention multiple "locations". There is insufficient antecedent basis for this limitation in the claim.

13. Claim 11 depends on claim 10. Therefore, there is insufficient antecedent basis for the limitations in claim 11.

14. Claim 33 recites the limitation "non-volatile memory" in reference to claim 32. Claim 32 does disclose "storage", but does not cite a "non-volatile memory". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2182

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-5, 7-17, 20-32, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sudhakaran et al. [US 2003/0014468 A1].

In consideration of claim 1, Sudhakaran et al. teaches a method of automatic (see [0008], [0014]) configuration (see [0002]) of a unit forming a component of an apparatus (see [0003]). The cited reference teaches accessing information held in the unit that represents an object class for the unit (see [0034], [0061], [0062], [0063]). In another aspect of the claim, the cited art teaches using the accessed information regarding the class to reference object definitions for the class of unit (see [0033]). These object definitions include initialization data operable to produce initialization configuration information for the unit. Sudhakaran also teaches storing the configuration information in a configuration file for the apparatus (see [0029]).

As for claim 2, Sudhakaran et al. teaches configuration operable to produce object configuration statements for the unit (see "object", "configuration database", [0033]).

As per claim 3, Sudhakaran et al. exposes unit configuration statements including object class, value, and name information (see [0033], [0081], [0082], [0204], [0207]).

As per claim 4, the cited art teaches configuration code accessing the unit for further configuration data (see [0029], [0033]).

As for claim 5, Sudhakaran et al. exposes configuration data including object class and device object (see “Abstract”; [0032], [0033]).

As per claim 7, Sudhakaran et al. teaches accessing class information (see [0032]) from a unit on insertion (inherent, see “mounted”; [0003]) on insertion of the unit into an apparatus (see [0020]). The cited disclosure exposes integrating the unit functionally (see e.g. “expansion cards”; [0008], [0016], [0027]).

As for claim 8, Sudhakaran et al. teaches verification of the validity of the configuration information prior to storage (see “conflict”; [0016]).

As for claim 9, Sudhakaran et al. teaches configuration information including class information identifying system class for the unit (see [0032]).

As per claim 10, the cited prior art teaches the apparatus for receiving a unit as probed for accessing class information in a unit at the location (inherent, see “Abstract”; [0033], [0034]).

As per claim 11, object configuration statements are stored in the configuration file, according to Sudhakaran et al. (see [0029], [0033]).

Art Unit: 2182

As per claim 12, the prior art discloses a unit as a field replaceable unit (see [0003], [0014], [0016], [0027], [0091]).

Regarding claim 13, Sudhakaran et al. teaches a method of automatic (see [0008], [0014]) configuration (see [0002]) of a unit forming a component of an apparatus (see [0003]). Accordingly, the cited reference also teaches the apparatus directed to the implementation of this method. Therefore, the present claim is rejected under the same basis.

As per claims 14- 17 and 20-25, these are oriented to the apparatus for the implementation of the method disclosed in previous claims. Accordingly, these claims are rejected under the same basis.

As for claim 26, Sudhakaran et al. teaches an apparatus forming a computer system (see [0035]; Figs. 1-5).

As for claim 27, Sudhakaran et al. teaches a fault-tolerant computer system (see [0002]).

Regarding claim 28, Sudhakaran et al. teaches a configuration management system (see "Abstract", Figs. 1-5). In addition, the cited art teaches the method and apparatus corresponding to the system claimed. Therefore, Sudhakaran et al. also teaches the configuration management system operable on an apparatus that includes a plurality of units. Claim 28 is rejected under the same basis.



As per claims 29 and 30, these are directed to the configuration management system oriented to the method and apparatus disclosed and rejected previously. Accordingly, the present claims are rejected under the same basis.

Regarding claim 31, Sudhakaran et al. teaches a program embodying configuration management operable on an apparatus that includes multiple units (see previous rejections). Furthermore, Sudhakaran et al. teaches the method including the steps of producing initial configuration information for the unit and storing the configuration data. Claim 31, as directed to the “carrier medium carrying program means”, is rejected under the same basis.

Regarding claim 32, Sudhakaran et al. teaches a method of automatic (see [0008], [0014]) configuration (see [0002]) of a field replaceable unit forming a component of an apparatus (see [0003]). The cited reference also teaches the field replaceable unit directed to the implementation of this method. Therefore, the present claim is rejected under the same basis.

As for claim 34, the cited prior art teaches information relating to an operating history for the field replaceable unit (see “tracks”, [0060]).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2182

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 6, 18-19, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudhakaran et al. [US 2003/0014468 A1] in view of Macon, Jr. et al. [US 5,752,249].

Considering claim 6, Sudhakaran et al. teaches configuration information stored in memory (see [0010]). However, this memory containing configuration and class information is not disclosed as being non-volatile, as claimed. It is well known by those skilled in the art that non-volatile memory refers to storage, whose contents are maintained when its power is off. Examples of these memories are ROMs, PROMs, flash memories, and EPROMs. Accordingly, Macon, Jr. et al. teaches the use of non-volatile memory for holding class information (see col. 6, lines 54-67). One of ordinary skill in the art would have been motivated to specify the cited memory in Sudhakaran et al. as non-volatile in order to allow its content to be kept without power. Furthermore, one of ordinary skill in the art would have been motivated to modify the disclosure by Sudhakaran et al. in order to obtain a memory for holding configuration information regardless of the state of the power.

In consideration of claims 18 and 19, these are oriented to the unit storage for the apparatus disclosed in previous claims. Sudhakaran et al. teaches a method of automatic (see [0008],

[0014]) configuration (see [0002]) of a unit forming a component of an apparatus (see [0003]). Accordingly, the cited reference also teaches the apparatus directed to the implementation of this method. The present claims are therefore rejected under the same rationale.

As per claim 33, these are oriented to the field replaceable unit for the method disclosed in previous claims. Sudhakaran et al. teaches a method of automatic (see [0008], [0014]) configuration (see [0002]) of a unit forming a component of an apparatus (see [0003]). Accordingly, the cited reference also teaches the FRU directed to the implementation of the method. The present claim is therefore rejected under the same rationale.

### *Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Sudhakaran et al. [US 6,161,150] teaches system for informing conflicts during resource allocation.
- Dinwiddie, Jr. et al. [US 5,113,522] discloses data processing system resource management.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 8:00-5:30 pm.

Art Unit: 2182

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

alc  
22 October 2003



Rehana Perveen  
Primary Patent Examiner  
Art Unit 2182